



PALESTINIAN AUTHORITY

SUPREME JUDICIAL COUNCIL

RULE OF LAW PROJECT – DPK

Personnel Manual

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TABLE OF CONTENTS

1. Manual Introduction	5
1.1 Manual's Objectives.....	5
1.2 Definitions and General Rules:.....	6
1.3 Eligibility of the manual.....	6
1.4 Maintenance and Circulation of the Manual.....	7
2. Recruitment Management.....	8
2.1 General Policy	8
2.2 Objective 8	

! Table of Contents Entry for 2.3 Pre-Recruitment Phase is missing!

2.3.1 Needs Assessment.....	8
2.3.2 Recruitment Plan.....	8
2.4 Appointment Process.....	9
2.4.1 Recruitment for proposed posts in the annual plan	9
2.4.2 Recruitment for unplanned posts	10
2.4.3 Recruitment of short-term posts and/or consultants	10
2.4.4 Appointment through promotion	10
2.4.5 New employees' personal files	10
2.5 Probation period.....	11
3. Salaries and increments	12
3.1 Policy 12	
3.1.2 Step Increases	12
3.1.3 Pay Increase upon Promotion	12
3.2 Salaries and Increases Preparation	13
4. Working hours and holidays	14
4.1 General Policy	14
4.2 Objective 14	
4.3 Working hours	14
4.3.1 Employees Attendance	14
4.3.2 Daily Leaves.....	14
4.4 Leaves 15	
4.4.1 Annual Vacation Leave.....	15
4.4.2 Sick Leaves.....	16

4.4.3 Emergency Leave.....	16
4.4.4 Maternity Leave	16
4.4.5 Other Leaves.....	17
4.5 Holidays	17
4.6 Overtime	17
4.6.1 Overtime policy	17
4.6.1 Criteria and Procedures of Overtime Work.....	18
5. Performance evaluation	19
5.1 General Policy	19
5.2 Performance Evaluation Criteria	19
5.3 Performance Evaluation Process	19
5.3.1 Performance Indicators.....	19
5.3.2 Evaluation Procedures	20
5.3.3 Employees' Grievances	20
5.4 Evaluation Outcomes Implementation	21
5.4.1 Step Pay	21
5.4.2 Reprimands and Warnings	21
6. Relocation and End of Service	22
6.1 Relocations	22
6.1.1 Transfer	22
6.1.2 Secondment	23
6.1.3 Loaning	24
6.2 End of Service	24
6.2.1 Reach the legal age for retirement.....	24
6.2.2 Unsuitability for health conditions	25
6.2.3 Resignation	25
6.2.4 Termination	25
6.2.5 Retirement Enforcement	26
6.2.6 Criminal Court's Judgment	26
6.2.7 Death	26
7. Disciplinary and Grievance Procedures.....	27
7.1 Disciplinary Procedures.....	27
7.1.1 Sorts of Disciplinary.....	27
7.1.2 General Policy	27
7.1.3 Sorts of Violations	27
7.2 Procedures	28
7.3 Removing the Disciplinary Action	29
7.3.1 General Policy	29

7.3.2 Disciplinary Removing Procedures.....	29
7.4 Grievances	30

1. MANUAL INTRODUCTION

This Personnel Policy and Procedures Manual has been issued by the Supreme Judicial Council (SJC), which is the only authorized institution that supervises and manages the Palestinian Judicial System. This manual comprises all issues relevant to the human resources management at the SJC, including the basic policies, procedures, principles, and instructions regarding human resources. The manual is applicable to all SJC employees, except for judicial positions, which are clearly defined in the Judiciary Law number 1 for the year 2002.

This manual has been created primarily from Law number 4 for the year 1998 through the issuance of the Civil Service Law. The Chief Justice should circulate this manual to all SJC staff to insure its accurate and objective implementation.

Most of the forms required to ensure the implementation of both the Law and this manual have already been developed by the Civil Service Bureau (Bureau) and are already in use by those public institutions that are governed by the Civil Service Law. Therefore, no further forms will be developed within this manual.

1.1 Manual's Objectives

The main objectives of this manual are:

- Clarify all the policies and procedures related to personnel management at the SJC, including all offices and subsidiary courts.
- Set up clear and transparent principals for communicating, handling, monitoring, and following up on all personnel issues, to improve competence and motivate employees to improve the SJC's performance.
- Set forth the employees' rights and obligations at the SJC.
- Explain all events and issues relevant to the employees during their employment period.
- Organize employees' files including all related documents and information during their time at the SJC.
- Document all personnel procedures to clarify responsibilities and define the necessary steps and actions that will help to accomplish assigned objectives.
- Clarify the functional relations between SJC departments and courts through the implementation of documented policies and procedures.
- Determine and unify all documentation applied in the different personnel procedures.
- Establish an accurate personnel database for all SJC staff that follows SJC general policies as well as other local laws and rules.
- Control work hours through the use a transparent policy that specifies clear ramifications.
- Manage employees' vacations and holidays.
- Set relevant standards, rules and methods with which to manage the disciplinary actions related to transgressions in compliance with the Civil Service Law number 4 for the year 1998.

1.2 Definitions and General Rules

The following definitions and explanations have the meanings defined in the following table, wherever they are stated within this manual, unless specified otherwise:

Term	Definition
The SJC	The Supreme Judiciary Council
The General Secretariat	The Administrative Bureau of the Supreme Judiciary Council
Chief Justice	The Chief of the Supreme Judiciary Council
SJC' members	The authorized members at the Supreme Judiciary Council in accordance with the Judiciary Law
Management Committee	A committee comprised of the Secretary General, directors general, and department managers.
The Civil Service Law or the Law	The Civil Service Law number 4 for year 1998.
Secretary General	The chief executive officer of the Secretariat.
Supervisor	The direct administrative and operating authority for managing direct subordinates within the organizational structure.
Financial Directorate	The management body that is responsible for supervising the implementation of SJC financial policies and procedures, handling the accounting operations, and preparing the financial statements.
Personnel Department	The department that is responsible for supervising policies and procedures related to personnel issues as well as documentation at the SJC.
The Employee	Each person recruited by the authorized management in one of the SJC's posts, where the person practices and operates under supervision, in compliance with the assigned job description.
Monthly Salary	The gross monthly salary before deductions.

1.3 Eligibility of the manual

The policies, procedures and operations in this manual are effective among all SJC employees in all locations except for the following:

- Judicial employees who are working according to the rules of the Judiciary Law number 1 for year 2002, unless otherwise stated in this manual or when policies are not clearly mentioned in the provisions of the Judiciary Law.
- Project-affiliated employees, where the SJC concludes that special rules must be applied according to laid articles in the contracts with partners and donors, except operations explicitly included in this manual.
- Specially contracted and short-term employees who operate according to conditions concluded in their working contracts up to the end of the working period, where the contractual conditions are drawn according to this manual and follow its procedural operations.

- d) Volunteers, trainees and consultants for temporary tasks.

1.4 Maintenance and Circulation of the Manual

This manual is not a confidential document and should be distributed to all directors/managers for circulation to their subordinates and employees. In addition, directors should contribute to updating and improving this manual by providing the Personnel Department with recommendations that point toward upgrading the manual and/or modifying some articles/sections based on any problem experienced during its implementation. The Personnel Department should take these recommendations into consideration when communicating amendments to this manual to the management committee of the SJC.

2. RECRUITMENT MANAGEMENT

2.1 General Policy

In compliance with applied laws, rules, and systems, the SJC provides a policy of equal opportunity for all qualified persons regardless of sex, religion, color, disabilities, marital status, political affiliation/opinion, and membership or affiliation in particular organizations.

2.2 Objective

This section of the manual provides procedures both for organizing and managing the SJC's personnel needs assessment process and for recruiting new personnel. These procedures ensure that only the most qualified candidates for the SJC, based on qualifications, experience, and skills, are hired.

2.3 Pre-Recruitment Phase

The employment process must provide an assessment of current personnel needs as well as develop an employment plan for the next period.

2.3.1 Needs Assessment

The needs assessment process determines the personnel needs of SJC and Regular Courts. The process should be completed at least one month before the preparation of the annual budget. This will enable the management committee to ratify the recruitment plan and include the related financial obligations (salaries, benefits, etc.) in the SJC's annual budget. This process uses the following procedures:

1. Chief Clerks of the trial courts evaluate the amount of work and identify needs of the courts during the coming year. This assessment includes justifications for any new positions, along with projected dates of employment and job descriptions.
2. Department managers at the SJC, in coordination with their subordinates, follow the same procedures in (a) above to identify the department's needs.
3. When assessing personnel needs, Chief Clerks and SJC department managers consider current vacancies as well as posts proposed by departments and courts. They also assess potential vacancies.
4. The needs assessment document is referred to the Personnel Department, which in turn prepares the consolidated recruitment plan for the SJC and reports it to the Director General of Administrative Directorate.
5. The management committee of the SJC discusses the staffing plan for approval in accordance with the budget, and submits to the Council for approval.
6. The SJC sends the staffing plan to the Civil Service Bureau for approval.

2.3.2 Recruitment Plan

Subsequent to the approval of the SJC's new staffing plan, the document must be transferred to the budget department in order to include the financial obligations in the budget. The Personnel Department then prepares the recruitment plan for all positions. The plan will include:

- a) Vacancies at the SJC.
- b) The proposed starting dates of employment.
- c) The proposed public postings for employment notices according to type of post.

- d) The proposed time for public notices as well as other significant related dates such as the selection process, dates of interview, and dates of written tests (if applicable) for short-listed applicants.
- e) The selection criteria for eligible applicants, including written test, personal interview, rating of candidates' files, assessment of academic and professional qualifications, examine skills knowledge and abilities identified with each type of job.
- f) The Committee designated for the selection process in accordance with the type of post.
- g) The qualifications for each post based on the approved job description.
- h) The involvement of the Civil Service Bureau in the recruitment process (if any).

After completion of the recruitment planning process, the Personnel Department submits the plan to the Secretary General, who approves it and presents recommendations to the council members and Chief Justice as well as the Civil Service Bureau for final approval.

2.4 Appointment Process

The recruitment procedures are to be applied to all SJC positions, whether proposed in the annual recruitment plan or openings that arise during the year due to work requirements and/or resignations of existing employees. However, recruitment for new judges should be in compliance with articles 16 to 21 of the Judiciary Law number 1 for year 2002, in which the SJC nominates judges for final recruitment approval from the chairman of the PNA.

2.4.1 Recruitment for proposed posts in the annual plan

This section of the manual describes the procedures for posts that have been assessed and proposed in the annual employment plan, and have been included in the SCJ budget (see sections 2.3.1 and 2.3.2 above):

1. The concerned department or court coordinates with the Civil Service Bureau for public notices of vacancies.
2. The Personnel Department receives the applications from the candidates, codes the applications, and submits them to the appropriate recruitment committee, as described below.
3. The Secretary General, in coordination with Chief Justice, creates a committee to handle the recruitment process. Members of the committee vary with each posting, in light of the type of the job and/or its desired qualifications.
4. The recruitment committee starts the selection process by ranking applications based on the specific required job qualifications. The committee then develops a short list with no more than 15 applicants.
5. Each member of the committee provides an initial evaluation for the short-listed candidates that takes into consideration the minimum requirements for the job and any examination results.
6. The Personnel Department prepares a schedule for conducting interviews with the first-group candidates in coordination with the committee.
7. The committee develops a standard grading scale for scoring candidates and ranks the applicants from the higher score to the lowest. The Personnel Department then informs the candidates of their scores and offers the job to the top-ranked applicant.
8. If the first qualified candidate turns down the position, the next qualified candidate will be invited. If all of the first group turns down the position, then it

is filled from the second group, after the process of interviewing and scoring is repeated.

2.4.2 Recruitment for unplanned posts

The Personnel Department recommends, through an official delegation from the presiding judge of the court and/or the concerned department's manager, the need for an employee to occupy a vacancy. The Department then attains the Secretary General's recommendation for the Chief Justice's final approval. For implementation of the recruitment process, procedures stated in section 2.4.1 must be followed.

2.4.3 Recruitment of short-term posts and/or consultants

Short-term posts and/or consultancy positions in specific fields for short periods of time also occur, where the positions may be included in the SJC's budget or are funded directly by donors. The recruitment for these positions follows these principles:

- a) Recruitment for such posts may be completed without the need for public notice and may be done through direct recruiting or secondment from other related organizations, and/or through reviewing interviews done for earlier announced posts.
- b) The Director General, in cooperation with the Secretary General, prepares the terms of reference for the job along with the proposed length of time of service.
- c) Contracts signed with concerned persons should abide by either the approved instructions of the Civil Service Bureau and/or by the imposed conditions of the counterpart.
- d) The recruitment procedures mentioned in section 2.4.1 above should be applied to those positions.

2.4.4 Appointment through promotion

The Civil Service Law states that an employee may be promoted from one position to another (step increase), if the employee has the required qualifications for the new position. Therefore, any SJC employee can compete for a vacancy available at the council or the courts with a higher degree than current position according to the annual performance evaluation. The Director General of administrative affairs and the Secretary General review the employee's file to decide on the eligibility of the employee to apply for the post while taking into consideration the Civil Service Law principles. The recruitment process should follow the same procedures for external applicants, as explained in the section 2.4.1 above.

2.4.5 New employee personal files

Any recruitment action carried out in the SJC must be documented to be in compliance with the relevant law. This is in order to protect employees' rights and to determine their duties, tasks, and functions. The following procedures will be applied after the recruitment decision, either for long-term positions or temporary:

1. The Personnel Department informs the concerned institutions of the new appointment.
2. The Personnel Department provides new the employee with the SJC/court organizational structure, his/her job description, and the list of employee's rights and duties as approved by Civil Service Law articles number 66 and 67.

3. The Personnel Department creates a personal file for the new employee that includes the essential documents, records, and correspondence related to the employee during the employment process.
4. The Personnel Department officially informs the new hire of his/her appointment in addition to providing any additional information stated by the Civil Service Bureau and the Civil Service Law.

2.5 Probation Period

According to the Civil Service Law, persons appointed at the SJC must complete a one-year probationary period. The probationary employee is trained by his/her direct manager using a training plan approved by the SJC. The employee's performance must be appraised at year's end with respect to performance.

The appointment will be considered final if the probationary employee has a minimum rating of "good." The employee should receive a written letter informing him/her of the appointment decision from the Chief Justice, as recommended by the direct supervisor and the Secretary General. A copy of this letter goes to the employee's personal file and another copy goes to the Civil Service Bureau. If the probationary employee receives a rating of "fair," the probationary period will be extended another 6 months and the following procedures will apply:

1. The employee is informed of the performance evaluation rating in writing, including the deficiencies to be improved during the extended probationary period.
2. The probationary employee continues under supervision and training by his/her direct supervisor during the extended probationary period.
3. A new performance evaluation is developed at the end of six months. A rating of "good" and above will lead to permanent status employment of the probationary employee.
4. If the employee rating is less than "good," the employee will be discharged and informed in writing two weeks before the end of the extended probationary period.
5. The Personnel Department informs the Civil Service Bureau in both cases.

If the employee evaluation rating after the original one year probationary period, is less than good, his/her services will be discharged two weeks before the end of the probationary period and this should be communicated in an official written letter. The Civil Service Bureau also receives a copy of this letter.

3. SALARIES AND INCREMENTS

3.1 Policy

Salary and step increases for non-judicial employees of the SJC are subject to the Civil Service Law, Chapter Three in particular. This section of the manual describes the process and procedures for salaries and increases.

3.1.1 Salaries guidelines

SJC employees are compensated with regard to their positions on the organizational structure of the SJC at the rate designated in the standardized salary schedule detailed in Table One attached to the Civil Service Law, and according to Article 51 of the same Law. The employee's gross salary consists of the basic salary plus all increases approved Article 51.

The Personnel Department reviews all employee related documents for the employee to determine the appropriate increase. The grade of the employee is determined according to the position in the organizational structure and in accordance with the Civil Service Law.

3.1.2 Step Increases

According to Article 52 of the Civil Service Law, all non-probationary employees are eligible for an annual salary step increase on their step anniversary date. This increase may not exceed the amount approved under the law. The increase is granted according to an annual evaluation of the employee. If the evaluation rating is below "fair," there is no increase.

In the case of a "weak" rating, the annual pay increase is withheld pending an evaluation of above average. If an employee receives a "weak" evaluation rating for two consecutive years, he/she will be subject to the rules of Chapter 4 of the Civil Service Law.

For approving or precluding the annual pay increase, the Personnel Department prepares a report including the evaluation ratings of all employees. After approval of the Secretary General and the Chief Justice, the increases are added to the employees' salaries schedule.

3.1.3 Pay Increase upon Promotion

Upon promotion, employees receive a step increase in line with the new position according to the applied salary schedule and chapter 5 of the Civil Service Law. Step increases are granted in regard to the annual performance evaluation ratings and individual merit, and follow the following rules and conditions:

- a) The employee is granted an increase of 5.5 % increment of the salary every 4 years, as long as his/her overall rating is above average for all 4 years.
- b) If the overall rating of the employee is "excellent" for two consecutive years, he/she receives the step increase after three years instead of four.
- c) If the employee does not attain a rating of above average, the step increase may be precluded for one year.
- d) If the employee receives a reprimand or citation, the step increase will be postponed for an additional six months. In case of a written warning or disciplinary action, the step increase is postponed for one year.
- e) A certificate of appreciation is granted to an employee whose overall rating is "excellent."

- f) An overall evaluation rating of "fair" will result in a written reprimand or citation to the concerned employee issued by the Director General of Administrative Affairs with a copy to the Civil Service Bureau.
- g) If the evaluation rating for an employee is below average or "weak," a written warning should be issued and the employees asked to improve his performance. The step increase is suspended until there is significant improvement demonstrated by the employee in the next evaluation.
- h) If there is no improvement in the next evaluation, and the employee maintains the same rating of "weak," the Chief Justice may ask a committee headed by the Secretary General to recommend the appropriate sanctions according to disciplinary criteria in this manual and the Civil Service Law.

3.2 Salaries and Increases Preparation

The PA Civil Service Bureau is responsible for establishing the salaries of all public service employees, including all increases, taking into consideration the information communicated during the month by the concerned public institutions. The Ministry of Finance pays the salaries accordingly. This section of the manual provides the procedures for monthly salary preparation for SJC employees for submission to the Civil Service Bureau and final approval. The monthly salary schedule includes basic salaries, increases, deductions, leave, overtime, and promotions. The procedures for preparing the schedule are:

1. The Personnel Department prepares a standardized compensation schedule for all employees. The schedule demonstrates different columns for different salary related issues such as position, grade, basic salary, increases, deductions, and other amounts that are included in the take home salary.
2. The Personnel Department updates the schedule monthly according to the information and documents related to employee compensation.
3. The Secretary General and the Chief Justice approve the standard schedule and forward it to the Civil Service Bureau for implementation.
4. The Personnel Department retains the schedule electronically for monthly updates, and saves a hard copy of the schedule in its files.

4. WORKING HOURS AND HOLIDAYS

4.1 General Policy

Leave, holidays, working hours, and other related issues are determined with respect to the Civil Service Law, and are applied for all SJC's non-judicial employees.

4.2 Objective

This part of the manual provides procedures and principles for managing employee attendance, holidays, and different types of accrued leave. It also describes the procedures and related documents according to the Civil Service Law.

4.3 Working hours

All offices of the SJC are open between the hours of 8:00 and 14:30 every day of the week, except Fridays and official holidays, which means the total weekly working hours are not less than 39 hours. As an exception, the working day might be extended beyond 14:30 during specific days for all employees and/or for some of them in response to work requirements, as decided by the Chief Justice.

4.3.1 Employees Attendance

- a) All employees of the SJC are expected to maintain regular attendance and be punctual.
- b) Continued failure to observe the work schedule is not acceptable and will result in appropriate disciplinary action.
- c) The Personnel Department follows the employees' attendance.
- d) All employees should sign in on the attendance sheet or machine accordingly.
- e) If the employee's working hours are less than the required 39 hours/week, the absence is recorded and deducted from the employee's leave or salary.
- f) The Personnel Department is responsible for recording workplace violations in the employee records.
- g) The employee's commitment to the official working hours is one of the performance indicators in the evaluation process. Tardiness is taken into consideration in the annual performance evaluation by using the information preserved in the employee's records.
- h) An employee will be discharged in case of absence for a continuous 15 days or 30 noncontinuous days during the year.

4.3.2 Daily Leave

- a) The employee may leave during the official working hours for personal reasons; however, those absences must not exceed a maximum of seven hours per month.
- b) The Personnel Department provides a leave form, setting out departure and arrival times, and reasons for the leave. The form should be signed by the supervisor and submitted to the Personnel Department.
- c) The maximum leave per day is three hours. If the employee exceeds the limit, the whole day must be deducted from the employee's annual leave.
- d) If the employee exceeds the limits of seven hours monthly, the time will be deducted from the employee's annual vacation leave if sufficient, or from the salary.
- e) Violations and deductions of salary should be reported in the salary schedule of the SJC and kept in the personal file.

4.4 Leave

The following types of leave are granted for the SJC's non-judicial employees:

- a) Annual vacation leave
- b) Sick leave
- c) Emergency leave
- d) Maternity leave
- e) Hajj leave (Pilgrim Leave)
- f) Leave without pay
- g) Educational leave

In addition to the leaves mentioned above, judges are granted an annual judicial holiday, from mid-July to the end of August, as stipulated by the Judiciary Law number 1 for year 2002.

4.4.1 Annual Vacation Leave

An annual vacation leave is granted to all SJC employees excluding the weekend as follows:

- a) 15 days for first year probationary employees after completing six months of continuous work.
- b) 30 days for employees with more than a year in the public service.
- c) 35 days for employees over 55 years of age who have been working for more than 10 years in the public service.
- d) Judges annual vacation leave shall not exceed 35 days.

The principles of Civil Service Law should be applied for considerations of employees' annual vacation leave. The Personnel Department is responsible for supervising, recording, and filing the documents related to employees' vacations, and following these procedures:

1. The employee completes the leave application form that has been approved by the Civil Service Bureau and provided by SJC Personnel Department.
2. The employee fills out the form at least 3 days before the date of leave. The application form should be approved by the department manager. The Personnel Department ensures the balance of the employee's annual vacation.
3. The presiding judge and the Chief Justice approve judges' vacations.
4. The department manager and the Director General of the concerned directorate approve vacations of employees up to head of division grade.
5. The Director General and the Secretary General approve department managers' vacations
6. The Chief Justice approves vacations for the directors general and the Secretary General.
7. The Personnel Department records the vacation leave after receiving the approved form.
8. The Personnel Department prepares a semi-annual report showing the balance of vacation leave for all employees.
9. The Personnel Department submits the vacation leave balance report to the Civil Service Bureau for its records.

The employee can transfer annual vacation into the next year, and may take a leave at any time of the year using the balance of the previous year's vacation leave. However, the vacation leave for the current year should not exceed number of allowed days on the date of the vacation. This should be calculated by considering 2.5 days for each preceding month. Moreover, it is possible that the employee could use all his/her current year's vacation leave (the whole 30 days) at once by September of the same year.

4.4.2 Sick Leave

In the case of illness, an employee can use his/her sick leave for three days, subject to a medical report from an official doctor from the Ministry of Health (MOH). The leave may be extended for another three days according to a recommendation of a specialized doctor of the MOH. The Personnel Department records the sick leave according to the following procedures:

1. The employee notifies the supervisor of the illness within 24 hours of absence. The supervisor, in turn, informs the Personnel Department so it can record the leave and follow up on documentation after the employee returns to work.
2. Upon return, the employee furnishes the medical report from a subordinate physician of the MOH.
3. For an additional three days sick leave, the employee provides a report from a specialized medical committee subordinate to the MOH.
4. If the employee fails to provide the required report, the leave will be considered as part of the annual vacation leave. If there is insufficient leave time remaining, it will be deducted from the salary.
5. The Personnel Department updates the employee's schedule in case of salary deductions before submitting the schedule to the Civil Service Bureau.
6. Disciplinary action will take place in case of malingering.

With reference to Article 85 in the Civil Service Law, the employee is eligible for sick leave approved by the specialized medical committee at the MOH every 3 years. The Personnel Department must allow this kind of sick leave according to the principles of the Law and in accordance to the procedures approved and followed by the Civil Service Bureau.

4.4.3 Emergency Leave

The Civil Service Law allows emergency leaves of 10 days for cases where the other types of leave do not apply. Additionally, the employee can utilize up to three days of leave in the case of the death of a relative up to the second degree.

The employee must inform the supervisor of an absence due to the death of a relative. If the total emergency leave exceeds 10 days, then the extra days off must be deducted from the monthly salary. A note to that effect should be made in the employee's report that is delivered monthly to the Civil Service Bureau.

4.4.4 Maternity Leave

A pregnant female employee has a total of 10 weeks of leave, which she can take before and/or after delivery. Additionally, she has the right to leave one hour early before the end of the working day for the duration of one year from the date of delivery. The procedures are:

1. The pregnant employee applies for a leave before her expected delivery date, in which she has the choice to determine the starting date of her maternity leave.

2. The Personnel Department records the employee's maternity leave in her personal file.

4.4.5 Other Leave

Other leave such as the Hajj leave, unpaid leave, and educational leave, are set by the Civil Service Law. The administrative procedures are carried out by the Personnel Department. The same procedures for the other types of leave mentioned previously are applied here. The following conditions apply:

- a) A thirty-day leave for the purpose of Hajj is granted once during the employee's career.
- b) Education leave is granted to an employee who has at least two years in the civil service. The period of leave may be up to four years, but has to be renewed annually.
- c) Leave without pay is granted in response to employee's justification and/or causes designated by the Civil Service Law.

The articles in the first section of chapter number 4 in the Civil Service Law control those three types of leave.

4.5 Holidays

Holidays are announced with the official approval of the Cabinet, such as religious holidays, national holidays, and other common holidays. Although these holidays are constant, the date may change from one year to another. The following conditions apply if there is an overlap between holidays and employee leave:

- a) Official holidays are be charged to accrued annual vacation leave in case of overlap. This does not apply for weekends. Conversely, the weekend is not calculated as a day of vacation when it occurs at the two extremes of the vacations.
- b) Any holiday should be considered as part of the leave if it comes during the 10-week maternity leave.
- c) Holidays are considered part of the Hajj vacation if occur during the 30 days.
- d) An emergency leave for death is three days, regardless any holiday during those days.
- e) Any holiday should be considered if it occurs during sick leave.

The Personnel Department will publicize the holidays approved by the Ministerial Council either by circulating a memo or by posting.

4.6 Overtime

4.6.1 Overtime policy

With reference to the Civil Service Law, all SJC employees, except those classified as special and first categories, can be compensated for overtime work, as one hour paid for each extra working hour. The total compensation for the overtime should not exceed one-fourth of the employee's salary.

4.6.2 Criteria and Procedures of Overtime Work

- a) Overtime must be approved by the Chief Justice after the Secretary General's recommendation.
- b) Overtime compensation should be listed in the SJC's annual budget.
- c) All overtime work should be authorized for cause and proved that it could not be performed during the regular working hours.
- d) The following procedures will be applied:
 - 1. The department manager requests extra hours for a particular employee by applying to the Director General along with the justification.
 - 2. Following the Director General's confirmation, the Secretary General and/or the Chief Justice approves the overtime.
 - 3. The approved request is then transferred to the Personnel Department for follow up.
 - 4. The Personnel Department adds the overtime hours to the employees' schedule for extra compensation.

5. PERFORMANCE EVALUATION

5.1 General Policy

The SJC uses the performance evaluation criteria used by the Civil Service Bureau. The performance evaluation form is an amended version due to the Council's specialty and exclusivity. The SJC applies an open performance evaluation policy allowing the employees to seek and obtain their evaluations. This protects the right of employees to grieve or to contest the evaluation if they feel their evaluation is not justified or incorrect.

5.2 Performance Evaluation Criteria

- a) The performance evaluation process takes into consideration the employee's job description as a basic evaluating criterion, plus the various criteria that relate to the employee's behavior, tasks, abilities, personality, efficiency, and capabilities.
- b) The performance evaluation process should never consider any personal relationship between the subordinate and supervisor.
- c) The SJC considers particular performance indicators for the evaluation process, which must be developed regularly with regard to work requirements as well as the assessment of the previous years' outcomes. Furthermore, each indicator is given a value with a total of 100% according to the following rating system:

• 85- 100%	Excellent
• 75- 84%	Very Good
• 65- 74%	Good
• 50- 64%	Fair
• Below 50%	Weak/ Poor
- d) The Chief Justice is responsible for the formation of an operational committee to be chaired by him. This evaluation committee will monitor the evaluation results and prepare the final report.
- e) Each employee is evaluated by the direct supervisor. A separate area of the form should be filled by the higher supervisor/director after reviewing the evaluation form for approval.
- f) Once the employee evaluation report is submitted to the Civil Service Bureau, it is considered final, and its contents cannot be modified or erased.
- g) An employees may contest the evaluation if he/she feels it is not fair or justified. The Chief Justice is devoted to adhering to a clear and transparent evaluation methodology. The grievance process should take place before the submission of the evaluation report to the Civil Service Bureau.

5.3 Performance Evaluation Process

The employees' performance evaluation is performed annually. The process involves several indicators reflecting the performance of employees, as mentioned earlier. The evaluation committee analyzes and appraises the process's outcome in order to decide any promotions or discipline.

5.3.1 Performance Indicators

The performance evaluation process is realized through the "performance evaluation form" that is approved and applied by the Civil Service Bureau. The Personnel Department at the SJC is

responsible for improving and developing this form for better evaluation results. The following are the indicators that should be included in the performance evaluation form:

- a) **Valuation of performance:** the employee's ability to perform tasks in accordance with his/her job description, as well as the promptness of performance.
- b) **Punctuality in attending work:** the average of employee's punctuality in attending work including leave hours during working days, in relation to the total deductions from the employee's leave and/or salaries due to absence.
- c) **Complaints and discipline:** the number of complaints against the employee during the year, the related disciplinary actions, and the frequency of these complaints and disciplinary actions.
- d) **Cooperation and functional relations:** the employee's teamwork spirit and commitment to continuous cooperation with colleagues and team members.
- e) **Skills and personal characteristics:** the employee's ability to improve his/her relevant professional skills, as well as personal characteristics that have an effect on the performance at work.

5.3.2 Evaluation Procedures

The Personnel Department is responsible for administering the evaluation process. The following procedures are part of that process:

1. The Personnel Department requests management committee members to provide their recommendations for improving and amending the performance evaluation form.
2. After receiving the management committee member's recommendations, the department prepares a report recommending improvements to the form to the Secretary General, who is responsible for organizing a meeting of the committee to finalize the form before implementation.
3. Once adjustments are approved, the Personnel Department circulates the form to all concerned personnel and to evaluators.
4. All completed forms are delivered to the Secretary General who is responsible for submitting the evaluations to the management committee.
5. The committee releases its recommendations on the evaluations, delegates a member of the committee to prepare a report with the evaluation results, and reports to Chief Justice for review.
6. The Secretary General circulates the evaluation results to all SJC directorates and departments.

5.3.3 Employee Grievances

An employee has the right to contest an evaluation within 20 days after receiving the evaluation result. The employee must submit a grievance or request a review of the evaluation. The grievance should include the employee's points and opinion of the evaluation.

In order to analyze the grievance, the Chief Justice forms another committee with different members than the original management committee. This committee discusses the grievance and reports to the Chief Justice within 60 days. Each employee will be informed of the results of his/her grievance review. The decision of the committee is final. The evaluation committee amends the original evaluation

report, taking into account the grievance committee's decision and seeks the Chief Justice's approval on the report prior to submission to the Civil Service Bureau.

5.4 Evaluation Outcomes Implementation

5.4.1 Step Pay

The Personnel Department prepares a comparison sheet of the evaluation results and recommends the consequent actions that should be taken to the Secretary General in compliance with the Civil Service Law.

Step pay may be defined as granting an employee a new salary without changing the position and the job title. The process starts with the Chief Justice's decision according to the prepared reports on awarding step pay, and concludes with the submission of all pay changes for employees to the Civil Service Bureau for final approval. The Personnel Department updates the employees schedule with the new steps of the employees.

5.4.2 Reprimands and Warnings

If an employee receives a below average evaluation rating, such as "fair," the employee will receive a written reprimand indicating the deficiencies of the employee and the improvements mandated in performance for the next year. This may be achieved through a training program for the employee and/or direct training carried out by the direct supervisor.

If the employee receives a rating of "weak," he receives a written warning indicating the deficiencies and suspension of the step increase upon the anniversary date until performance is improved. The employee's supervisor is to assist the employee, by proposing a relevant training course and playing a guiding role. In the event the employee's performance remains as "weak" at the end of the second year, a special committee determines an appropriate action in cooperation with the Civil Service Bureau according to article number 41 of the Civil Service Law.

6. RELOCATION AND END OF SERVICE

6.1 Relocation

The Civil Service Law covers the issue of relocation of employees from one governmental department to another, both in Palestine and/ or abroad. The Law determines three main approaches for carrying out relocation: transfer, loaning, and secondment. This section of the manual describes the procedures for each approach.

6.1.1 Transfer

It is possible to transfer an employee to another public institution upon his/her request and the approval of the two institutions. The following factors should be taken into consideration when transferring an employee:

- a) The transferred employee keeps the scale/degree of the new position. It may be reduced with the written approval of the employee; however, this will not affect the rights of the person in promotion or seniority of grade.
- b) The employee may be transferred into a higher grade/position if this will achieve better general performance of the organization.
- c) The transfer is subject to the approval of both organizations and the Civil Service Bureau.
- d) The transferred employee's compensation is included in the new organization budget.

Managing the transfer process is subject to clear procedures, starting from the application of the employee for the transfer until the employee's file is closed and transferred to the new organization. The process is managed through the following procedures:

1. The employee obtains the transfer application form from the Personnel Department, where it is submitted to the Secretary General, after it has been presented to the Director General of the concerned directorate.
2. The approval of the other governmental department should be attached to the application, if it is available. Otherwise the Secretary General is responsible for contacting the other organization to get its approval.
3. The Secretary General and the director of the concerned directorate submit their recommendations to the Chief Justice for a final decision.
4. The application is submitted to the Personnel Department for follow up with the Civil Service Bureau and completion of the transfer process.
5. Following the decision of the Civil Service Bureau, the Personnel Department transfers the concerned employee's personnel file to the bureau.
6. The Personnel Department removes the name of the transferred employee from the employees' schedule of the SJC.
7. The SJC commences the process of filling the vacancy according to the appointment procedures described earlier in this manual.

6.1.2 Secondment

The Chief Justice may second an employee in cooperation with the Civil Service Bureau. The secondment is for one year and can be renewed once for another year for another governmental organization at the same grade or higher, according to the following principles:

- a) SJC staff may be seconded to work at a public institution or vice versa. Additionally the secondment may be done between regular courts and the SJC offices.
- b) The secondment does not affect the promotion and step increase of the seconded employee.
- c) The Personnel Department keeps the seconded employee on the employee schedule and calculates his/her compensation as usual.
- d) The SJC may replace the seconded employee by filling his/her position temporarily, either from the SJC's staff or by short-term contract. Secondment of an employee from another organization or court is also allowed.
- e) The new organization should provide the SJC with a copy of the employee's annual performance evaluation,
- f) Judges may be seconded to work in non-judicial positions conditional to their approval.
- g) The Chief Justice may terminate the secondment of an employee for the best interest of the work.

The following procedures are followed when seconding an employee from the SJC to another organization:

- 1. The receiving organization addresses the SJC with a request for secondment from the SJC's staff.
- 2. The Chief Justice assesses the request and passes it on to the appropriate directorate/department for response and recommendations.
- 3. The Chief Justice communicates with the receiving organization to approve or deny the secondment of the employee.
- 4. The application is transferred to the Civil Service Bureau for follow up and completion of the secondment according to the approved procedures.

If the secondment is internal, between the SJC offices and/or courts, the following procedures are followed:

- 1. The Chief Justice decides on seconding an employee from his/her current position into an appropriate position. The salary of the employee should not be reduced in this case.
- 2. The employee may request a secondment to another court or office of the SJC. The Chief Justice reviews the request and makes the appropriate decision.
- 3. The employee's request is forwarded to the Secretary General, and then delivered to the Personnel Department for follow-up on the secondment process.
- 4. Upon approval, the seconded employee and the courts are informed in writing with the date of engagement, the proposed position, and the job description of the new position.
- 5. If the employee was seconded to a higher position, the Personnel Department upgrades the employee's schedule with the new grade and compensation.

6. The file of the employee is not be changed or moved into the new location of the work.

6.1.3 Loaning

Loaning an employee to another institution is possible if the employee agrees. It is also possible to loan an employee to a local authority, or organization or public company in Palestine. The Civil Service Law principles should be applied as follows:

- a) This period should not exceed one year inside Palestine and is renewable yearly for a total of four years.
- b) Loaning an employee to any other institution outside Palestine should not exceed four years. Another loaning period for the same employee may be initiated five years after the employee returns to work for the SJC.
- c) The loaning decision should be made by the Chief Justice in cooperation with the Civil Service Bureau. The decision should include the name of borrower, loaning period, date of loaning, and other applicable conditions.
- d) The new organization must cover the employee's compensation. However, the period is considered as acceptable for retirement, promotion, and step pay as long as the employee pays the due contributions.
- e) The SJC is committed to return the loaned employee to the original position or other suitable position.
- f) The loaning decision must be approved by the Chief Justice.

The loaning procedures applied at the SJC are the same as those applied for secondment and in coordination with the Civil Service Bureau.

6.2 End of Service

With reference to the Civil Service Law, the end of an employee's services occurs in the following cases:

- a) The legal age for retirement has been reached.
- b) Unsuitability due to health conditions.
- c) Resignation.
- d) Termination and/or suspension.
- e) Having a final judgment by a Palestinian court for criminal acts.
- f) Death.

6.2.1 Retirement

The employee may retire when he/she reaches sixty years of age. The Personnel Department must notify Civil Service Bureau six months prior to the date of retirement. In this case, the retirement system of the PA should be applied. Consequently, the file of the employee should be closed at the SJC and deleted from the employees' schedule.

6.2.2 Unsuitability due to health conditions

If an employee is facing a critical health condition, his/her service may be terminated after taking into consideration the following principles:

- a) The employee's critical health condition must be agreed on by a specialized medical committee.
- b) The employee may use his/her various leaves according to the law.
- c) The employee may request a termination of service in writing for critical health conditions before depleting the leave balance.
- d) In case of termination due to critical a health condition, the retirement system principles of the PA should be applied.

The Personnel Department coordinates with the Civil Service Bureau to approve the health condition of the employee and to calculate the sick leave and other leaves of the employee according to article number 85 of the Civil Service Law. Following the decision of the Chief Justice and the Civil Service Bureau, the employee's name should be removed from the employees' schedule of the SJC.

6.2.3 Resignation

The employee may resign from his/her position. The following procedures are required for completing the resignation process:

1. The employee must present a written request for resignation to the Chief Justice through the supervisor.
2. The Chief Justice has thirty days to make a decision on the request.
3. Upon the Chief Justice's approval, the employee's letter of resignation is passed to the Personnel Department in order to finalize the balance of leave.
4. If the Chief Justice does not respond within the period, the resignation is accepted after 30 days of the application.
5. The Personnel Department retains a copy of the resignation in the employee's file and submits another to the Civil Service Bureau to close the file permanently.
6. The employee is removed from the employees' schedule of the SJC.
7. The SJC issues a formal statement declaring that the concerned employee resigned by his own choice.
8. Once the employee's position becomes vacant, the Personnel Department coordinates with the concerned directorate in order to commence the recruitment procedure according to the appointment system at the SJC.
9. The Secretary General may appoint one of the SJC staff to fill the vacancy until the completion of the recruitment process.

6.2.4 Termination

The employee loses his/her job according to article 100 of the Civil Service Law, where there is an absence of 15 consecutive days or 30 nonconsecutive days without official permission. The following principles are considered in this case:

- a) The employee is suspended if he/she used all his/her leave or violated the leave procedures demonstrated in this manual.
- b) The administration may consider the employee's explanations for absence. The employee may also grieve the loss of job accordingly, and ask for an investigation committee to discuss the case.

- c) The retirement principles of the PA are applied for those terminated employees.
- d) The administrative procedures are applied, starting with the employee's absence until the termination decision, as follows:
 1. After the first week of absence without official permission, the Personnel Department informs both the Director General of the Administrative Affairs Directorate and the Secretary General.
 2. A request is made to the employee for a reason for the absence.
 3. After 15 days of absence, the Personnel Department reports the termination to the Secretary General according to the violation of law.
 4. In case of noncontinuous absence, the Secretary General issues a written warning.
 5. The employee is required to provide explanations and excuses for the absence.
 6. The Chief Justice may assign a committee to examine the employee's excuses for recommendations with the final decision.
 7. If the employee attends work before he reaches the time limit for termination, the absent days are deducted from the vacation leave of the employee or his/her salary respectively.
 8. If the employee does not attend work for the specified period, then the assigned committee recommends a decision of termination of service. If the service of the employee is not terminated, the absent days should be deducted from the vacation leave or salary.
 9. The Personnel Department informs the employee of the decision and submits a copy to the Civil Service Bureau for termination.
 10. In case of termination, the Personnel Department keeps a copy of the decision in the employee's personal file.

6.2.5 Retirement Enforcement

It is possible for the SJC to force the retirement of an employee in the case of a violation of the principles of the Civil Service Law. The decision of retirement in this case is considered as a disciplinary action for the violations.

6.2.6 Criminal Court's Judgment

The employee loses the job immediately if he/she is charged or involved in a specific crime, an explicit non-faithfulness, or any transgression, by a professional Palestinian court. The administrative procedures, rules of the Civil Service Law, and rules of retirement system in Palestine are then applied.

6.2.7 Death

In the case of the death of an employee, his/her civil service is formally ended with the publishing of the official death document, and the Palestinian Civil Service Law and rules of retirement must be applied.

7. DISCIPLINARY AND GRIEVANCE PROCEDURES

7.1 Disciplinary Procedures

The disciplinary procedures are applied in the cases of disobedience, transgression, and violation of the duties of an employee under the Civil Service Law. The Judiciary Law Number 1 for year 2002, and the Civil Service Law include the appropriate disciplinary action for judicial and non-judicial employees.

7.1.1 Sorts of Disciplinary Actions

The disciplinary actions stated in the Civil Service Law are only applied to non-judicial employees. However, for judges, the Judiciary Law determines the disciplinary action and procedures that should be followed through an assigned committee consisting of a specific number of judges. For non-judicial employees, the disciplinary actions are as follows:

- a) Reprimands and Citations.
- b) Warnings.
- c) Salary reduction for a maximum of 15 days.
- d) Elimination or delay of step pay for no more than six months.
- e) Freezing of employee promotion.
- f) Suspension of work for a maximum of six months with half pay.
- g) Reduction of the employee's degree.
- h) Termination of service warning.
- i) Enforcement of retirement.
- j) Termination of service.

7.1.2 General Policy

The following principles must be followed while executing disciplinary procedures at the SJC:

- a) A decision to take disciplinary action must be made by the Chief Justice according to the recommendation of the Secretary General, the supervisor, or a specialized committee.
- b) Except for reprimands and citations, it is not allowed to execute a disciplinary action without an investigation committee.
- c) It is illegal to impose more than one disciplinary action for the same violation.
- d) The discipline of a second category employee is limited to reprimand or warning, enforcement of retirement, and termination of service.
- e) Special and first category employees should be investigated by a specially assigned committee, where the Council decides the appropriate disciplinary action accordingly.
- f) It is not allowed to investigate a violation after six months of exploration.
- g) The detailed principles of the Civil Service Law regarding disciplinary procedures must be applied.

7.1.3 Sorts of Violations

The following are the kinds of transgressions and acts of disobedience for which disciplinary action should take place:

- a) Disobedience of general policies and regulations stated in this manual and violations of the provisions of the Civil Service Law.
- b) Disobedience in job duties, responsibilities and tasks according to the job description.
- c) Final judgment of a Palestinian court against the employee.
- d) Poor attendance.
- e) Absence from work without justification.
- f) Misuse of the SJC's assets, such as equipment, machines, etc.
- g) Damage to the SJC's properties.
- h) Illegal utilization of the employee's position for personal benefits and individual interest.
- i) Disclosing SJC confidential issues and documents.
- j) Mismanagement and negligence with work i documents and filing or keeping these documents for personal use.
- k) Drinking alcohol and gambling publicly.
- l) Use and/or trade of drugs.
- m) Sexual harassment in the work place.
- n) Receive gifts and bribes in return for offering services.
- o) Forging, faking and/or modifying documents.
- p) Use of weapons in the work place other than authorized and licensed staff.
- q) Spending public money in an illegal manner.
- r) Disobedience of orders of persons in command.
- s) Disrespect of SJC's clients.

7.2 Procedure

The procedures that are to be applied for executing disciplinary actions are divided into two categories: procedures that should be applied for issuing notices and warnings, and procedures arising from the decisions of a specially assigned investigation committee. The following are the procedures to be followed:

1. Discovery of a violation of any of the issues mentioned above requires reporting within 24 hours to the supervisor. Hiding the action is a violation requiring disciplinary action.
2. The employee's supervisor and the department manager present the case for disobedience to the Director General in order to discuss the issue(s) among and share opinions on the appropriate disciplinary action with the Secretary General.
3. The Secretary General investigates the incident by asking the Personnel Department to provide the employee file to review the employee's history.
4. After investigation of the circumstances as well as the employee's history, the Secretary General releases a final decision either approving the proposed disciplinary or recommending another.
5. The Secretary General issues the disciplinary action, accompanied by the Chief Justice's approval.

6. If the approved discipline is more than a reprimand or warning, the Secretary General reports the investigation results to the Chief Justice for final approval and execution of the appropriate disciplinary action.
7. The Chief Justice releases his/her final decision after considering the details and reports of the employee's behavior. The Chief Justice may decide to reduce the recommended disciplinary procedure to a reprimand or warning.
8. If the disciplinary action is not reprimand or warning, the Chief Justice should establish a committee to investigate the violation. The committee has one week to reach a decision and present a report.
9. The Chief Justice releases the final decision.
10. A copy of the approved decision is forwarded to the employee's supervisor to inform both the employee and the Personnel Department. The Personnel Department keeps the document in the employee's personal file and sends a copy to the Civil Service Bureau. The employee has the right to a grievance.
11. If the concerned employee belongs to the special or first category of employees, the decision should be taken by the Ministerial Council, which is obligated to apply the rules of Civil Service Law in dealing with such cases.

7.3 Removing the Disciplinary Action

7.3.1 General Policy

The removal of a disciplinary action from an employee's file should follow these principles:

1. The disciplinary action should be removed from the file after six months if the disciplinary is a reprimand or warning or a reduction of salary for less than five days.
2. If the disciplinary action is a reduction of more than 15 days of salary, or freezing or delaying salary increases, then the disciplinary action is to be removed after one year.
3. For other sorts of disciplinary actions, two years should pass prior to removal.
4. Disciplinary actions (for other than first category employees) are to be removed after appeal by the assigned committee.

7.3.2 Disciplinary Removal Procedures

The Personnel Department is required to follow-up the removal of a disciplinary action, while applying the following the procedures:

1. The Personnel Department creates a sheet that includes all disciplinary actions for employees.
2. The department should review this sheet by the end of each month to ensure any expired disciplinary action that must be removed. This should be reported to the Secretary General to take action for removal.
3. The Secretary General reports his/her recommendations to the Chief Justice.
4. The disciplinary committee assesses the reported cases in order to reach its recommendations.
5. The Secretary General forwards the decisions to the Personnel Department for implementation and follow up.
6. A copy of the SJC's decisions is forwarded to the Civil Service Bureau.

7.4 Grievances

SJC employees have the right to protest disciplinary actions through formal written letters directed to the Chief Justice, in which they explain their reasons for protesting the disciplinary decision. The employee must follow this set procedure for grievances:

1. The employee files the grievance no more than twenty days after the date of receipt. Otherwise the employee loses this advantage and the decision is final.
2. The grievance is directed to the Chief Justice through the supervisor. If the supervisor delays the submission of the grievance, a disciplinary action may be recommended for the supervisor.
3. The Chief Justice assigns a committee to discuss all the grievances related to disciplinary actions within a month of assignment.
4. After receiving the recommendations of the committee, the Chief Justice releases his/her decision within sixty days of the date of grievance.
5. The decision is forwarded to the Personnel Department for following up and filing.
6. The employee may exercise a judicial appeal if the finding is negative.
7. If the employee's decision is to appeal to the court, the disciplinary action is frozen until the final judgment of the court.